

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA

CLEAN AIR CAROLINA, NORTH)
CAROLINA WILDLIFE FEDERATION, and)
YADKIN RIVERKEEPER,) Chief Judge James C. Dever, III
)
Plaintiffs,) No. 5:14-CV-863-D
)
v.)
)
NORTH CAROLINA DEPARTMENT OF) CASE MANAGEMENT ORDER
TRANSPORTATION, ANTHONY J. TATA,)
Secretary, NCDOT, FEDERAL)
HIGHWAY ADMINISTRATION, and JOHN)
F. SULLIVAN, Division Administrator, FHWA,)
)
Defendants.)
)

Upon consideration of the Parties' joint motion for a case management plan and for good cause shown, the Court orders the Parties to follow this case management schedule.

A. January 5, 2015: By this date,

1. Any parties seeking to intervene or seeking leave to file amicus curiae briefs shall file their motions.
2. Plaintiffs Clean Air Carolina, North Carolina Wildlife Federation, and Yadkin Riverkeeper (collectively, the Conservation Groups) shall file any and all declarations by which they intend to establish Article III standing.

B. January 23, 2015: By this date, the Conservation Groups shall file their motion for summary judgment, and their brief in support of that motion shall not exceed 45 pages (excluding the caption, tables, and signature blocks).

C. February 26, 2015: By this date, the FHWA and NCDOT shall file their separate cross-motions for summary judgment. Each brief filed in support of each cross-motion shall

include their responses to the Conservation Groups' motion for summary judgment, and each brief shall not exceed 37 pages (excluding the caption, tables, and signature blocks).

D. March 31, 2015: By this date, the Conservation Groups shall file their combined reply to their motion for summary judgment and their response to the FHWA's and NCDOT's cross-motions for summary judgment, and that brief shall not exceed 32 pages (excluding the caption, tables, and signature blocks).

E. April 21, 2015: By this date, the FHWA and NCDOT may file any replies to their respective cross-motions for summary judgment, and each brief shall not exceed 20 pages (excluding the caption, tables, and signature blocks).

F. April 30, 2015: By this date, the Conservation Groups may file one consolidated surreply to the FHWA's and NCDOT's cross-motions for summary judgment, and that brief shall not exceed 6 pages (excluding the caption, tables, and signature blocks).

G. The Court concludes that this case is not suitable for ADR and orders that Local ADR Rule 101 does not require any mediated settlement conference.

H. The Court vacates its December 8, 2014, Order that directs the Parties to propose a discovery plan.

IT IS SO ORDERED.

DATED this 18 day of December, 2014.



JAMES C. DEVER III
Chief United States District Judge